

(1998) 02 AHC CK 0098
In the Allahabad High Court
Case No : Special Appeal No. 75 of 1998

State of U.P. and others	Vs	APPELLANT
Sanjay Singh and others		RESPONDENT

Date of Decision : 17-02-1998

Acts Referred:

Allahabad High Court Rules, 1952 — Rule 5
Limitation Act, 1963 — Section 5

Citation : (1998) 2 AWC 1037 : (1998) RD 382

Hon'ble Judges : O.P. Jain, J;D.S. Sinha, J

Bench : Division Bench

Advocate : Hanuman Upadhyya, for the Appellant;

Final Decision : Dismissed

Judgement

D.S. Sinha and O.P. Jain, JJ.—Heard Sri Hanuman Upadhyya, learned standing counsel appearing for the appellants.

2. The report of the Stamp Reporter points out that instant appeal is beyond time by 343 days.

3. The appeal is accompanied by an application u/s 5 of the Limitation Act, 1963, supported by the affidavit of Smt. Sangita Chakravarti. praying for condonation of delay in filing the appeal.

4. Paragraph 4 of the affidavit which purports to explain the cause of delay runs as below:

That the appellants after receiving a certified copy of the judgment and order dated 4.2.1997. immediately furnished the entire papers in the office of Chief Standing Counsel for preparation of the special appeal and thereafter the special appeal was prepared and the same is being filed before this Hon''ble Court without any further delay."

5. In the opinion of the Court, the averments in the paragraph 4 of the affidavit

reproduced above, do not constitute sufficient cause and ground for condonation of inordinate delay of 343 days.

6. The appeal is held to be barred by time.

7. Otherwise also, the appeal lacks merit Inasmuch as the impugned order was passed on the admission of learned standing counsel of the appellants regarding the factual and legal position in the case.

8. In the result the appeal is dismissed summarily.